

III. REMARKS

A. Status of the Application

Claims 1-5, 8, 10-12, 14-27, 29-37, 40-41, 44-48, 50-51, 90-108, 142-146 and 148 are pending. Claims 16, 44-48, 50-51, 95, 100 and 106-107 are amended herein. Claims 6-7, 9, 13, 28, 38-39, 42-43, 52-89, 109-141 and 147 were previously cancelled. Claim 49 is cancelled herein.

It is respectfully submitted that claims 16, 44-48, 50-51, 95, 100 and 106-107 as amended, are supported by the specification as filed and are in condition for allowance or at least in better form for consideration on appeal. Further, the amendments of claims 16, 44-48, 50-51, 95, 100 and 106-107 do not raise any new issues which require further search or substantial consideration on the part of the Examiner as such amendments merely involve: (1) clarifying antecedent basis for the subject matter of claim 16 which depends from claim 11; (2) placing claim 49 in independent form; (3) clarifying antecedent basis for the subject matter of claims 45-48 and 50-51 which depend from claim 44; (4) clarifying antecedent basis for the subject matter of claim 95; (5) correcting a grammatical error in claim 100; and (6) clarifying antecedent basis for the subject matter of claims 106-107 which depend from claim 104. For these reasons, it is requested that this amendment be entered under the provisions of 37 C.F.R. § 1.116 as it places the application in condition for allowance or at least in better condition for appeal.

Favorable consideration of this application is respectfully requested.

B. Reissue Application Declaration

Claims 1-5, 8, 10-12, 14-27, 29-37, 40-41, 44-51, 90-108, 142-146 and 148 stand rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251. Claim 49 has been cancelled herein. Insofar as it may be applied against the present claims, this rejection is traversed.

Submitted with the present paper is a revised Reissue Application Declaration. It is respectfully submitted that the revised Reissue Application Declaration is in accordance with all requirements of 35 U.S.C. § 251, 37 C.F.R. § 1.175 and MPEP § 1414. Specifically, the revised Reissue Application Declaration notes that one error being relied upon as the basis for reissue is that claim 1 of U.S. Patent No. 6,196,311 calls for an “elastomeric” jacket while claim 1 of this reissue application does not call for this feature. Therefore, the inclusion of this language in

claim 1 of U.S. Patent No. 6,196,311 represents an error that is relied upon as a basis for this reissue application.

MPEP § 1414(II) states that:

“A change or departure from the original specification or claims represents an ‘error’ in the original patent under 35 U.S.C. § 251. . . . Applicant need only specify in the reissue oath/declaration one of the errors upon which reissue is based.” (MPEP § 1414(II), page 1400-33).

The revised Reissue Application Declaration states that claim 1 of U.S. Patent No. 6,196,311 includes an element that is not called for by claim 1 of this reissue application. The fact that claim 1 of this reissue application does not call for such claim element represents a change or departure from the original claims. Therefore, the revised Reissue Application Declaration includes a proper statement of at least one error which is relied upon to support the reissue application in accordance with 35 U.S.C. § 251, 37 C.F.R. § 1.175 and MPEP § 1414.

For the foregoing reasons, the revised Reissue Application Declaration is clearly in compliance with all statutory requirements. The rejection of claims 1-5, 8, 10-12, 14-27, 29-37, 40-41, 44-48, 50-51, 90-108, 142-146 and 148 as being based upon a defective reissue declaration under 35 U.S.C. § 251 should be withdrawn.

C. Allowable Subject Matter

Applicant acknowledges and appreciates the indication that claims 1-5, 8, 10-12, 14-27, 29-37, 40-41, 90-108, 142-146 and 148 are allowed. Applicant also acknowledges and appreciates the indication that claims 49 and 50 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

D. Claim Amendments

Claim 16 depends from claim 11 and recites that the shearable insert includes a ring portion and a domed portion. Claim 16 is amended to specify that the domed portion extends upwardly and inwardly from the “ring portion” rather than the “outer ring portion” so that the subject matter of claim 16 has proper antedecent basis.

Claim 44 is amended to include the subject matter of claim 49 which effectively places claim 49 in independent form.

Claims 45-48 and 50-51 depend directly or indirectly from claim 44 and are amended to refer to “The apparatus of claim 44” rather than “The plug of claim 44” so as to properly depend from claim 44.

Claim 95 depends from claim 93 and is amended to specify that the wipers on each plug used in the method of claim 93 are acutely angled with respect to a longitudinal axis of “each plug” rather than “the first plug”.

Claim 100 depends from claim 98 and is amended to correct a grammatical error.

Claims 106-107 are amended to depend from claim 105 rather than claim 104 so the subject matter of claims 106-107 has proper antecedent basis.

E. Claim Rejection Under 35 U.S.C. §102

Claims 44-46, 48 and 51 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,117,910 to Brandell et al. (“Brandell ‘910”). Insofar as it may be applied against the present claims, this rejection is respectfully traversed.

As noted above, claim 49 was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also as noted above, claim 44 has been amended to include the subject matter of claim 49, thus effectively placing claim 49 in independent form. Therefore, claim 44 and all claims that depend therefrom including claims 45-46, 48 and 51 are in condition for allowance.

For the foregoing reasons, the rejection of claims 44-46, 48 and 51 under 35 U.S.C. §102(b) over Brandell ‘910 has been overcome and should be withdrawn.

F. Claim Rejection Under 35 U.S.C. §103

Claim 47 stands rejected under 35 U.S.C. §103(a) over Brandell ‘910. Insofar as it may be applied against the present claim, this rejection is respectfully traversed.

Claim 47 depends indirectly from claim 44 and specifies that an internal corner formed by the outer ring portion and the inner portion of the insert set forth in claim 44 is radiused.

As noted above, claim 49 was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also as noted above, claim 44 has been amended to include the subject matter of claim 49, thus effectively

placing claim 49 in independent form. Therefore, claim 44 and all claims that depend therefrom including claim 47 are in condition for allowance.

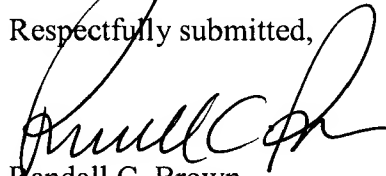
For the foregoing reasons, the rejection of claim 47 under 35 U.S.C. §103(a) over Brandell '910 has been overcome and should be withdrawn.

G. Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-5, 8, 10-12, 14-27, 29-37, 40-41, 44-48, 50-51, 90-108, 142-146 and 148 are in condition for allowance and an early formal notice thereof is requested.

The examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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